

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 17, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TANYA W.

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No: 1:20-CV-03247-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 20. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Edmund Darcher.

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER ~ 1

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
2 Motion for Remand, ECF No. 20, is **GRANTED**. The Commissioner's final
3 decision is reversed and remanded for further proceedings pursuant to sentence
4 four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security,
5 the Appeals Counsel will affirm Plaintiff's established onset date of disability on
6 January 23, 2019 and remand the portion of the case prior to January 23, 2019 to
7 the Administrative Law Judge (ALJ). On remand, the ALJ shall do the following
8 regarding the portion of the case prior to January 23, 2019: (1) reevaluate
9 Plaintiff's residual functional capacity, and in doing so, reevaluate all the opinion
10 evidence, especially the opinions of Angela Thomas, ARNP and Michael Garnet,
11 M.D.; (2) reevaluate Plaintiff's physical symptoms in accordance with S.S.R. 16-
12 3p; (3) obtain supplemental vocational expert testimony; (4) take any further action
13 needed to complete the administrative record; (5) give Plaintiff an opportunity for
14 a new hearing; and (6) issue a new decision.

15 The parties stipulate that this case be reversed and remanded to the ALJ on
16 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
17 matter is remanded to the Commissioner for additional proceedings pursuant to
18 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
19 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §
20 2412(d).

21 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary

1 Judgment, **ECF No. 15**, is **DENIED** as moot, given the parties' motion for
2 remand.

3 The District Court Executive is hereby directed to enter this Order and
4 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
5 file.

6 **DATED** August 17, 2021.

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8 *s/Fred Van Sickle*
9 Fred Van Sickle
10 Senior United States District Judge
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